

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In view of the Examiner's withdrawal of further consideration for claims 7-9, these claims have been cancelled above without prejudice or disclaimer.

The informality noted at page 13, line 22 of the specification has been corrected by the above amendment.

The rejection of claims 1-6 under 35 U.S.C. § 112, first paragraph because allegedly recited only a single "means" recitation in claim 1 is respectfully traversed.

Contrary to the Examiner's comments, claim 1 is a "combination" claim and not a "single means" claim. As Judge Rich noted at page 714 of *In re Hyatt*, 708 Fed. 2^d, 712:

...A claim must be read in accordance with the precepts of English grammar. In claim 35, the invention defined is what follows the word "comprising." Indeed, appellant has admitted that claim 35 is drawn to only a single element when he asserts that it is not drawn to a combination. Appellant's denomination of every noun in the claim has a separate element ignores the fact that these words function is mere description of the single claimed means.

Applicant's claim 1 has a preamble which reads "An electronic control unit comprising". Everything after the word "comprising" defines the subject matter that has been claimed. It will be noted by the paragraphed formatting as well as otherwise that applicant has claimed a combination of elements (i.e., a plurality of elements). For example, applicant has explicitly claimed a combination which comprises at least a non-volatile memory and a control means. Accordingly, claim 1 clearly is not a "single means" claim.

OKADA
Appl. No. 10/678,090
February 14, 2006

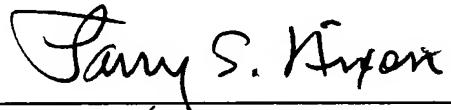
There being no other outstanding ground of rejection or objection, claims 1-6 are
now assumed to be in allowed form.

The Examiner's attention is also drawn to new method claims 10-15 which will be
recognized as having analogy to apparatus claims 1-6.

Accordingly, this entire application is now believed to be in allowable condition
and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

(Larry S. Nixon
Reg. No. 25,640

LSN:vc
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100